G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

191

(Courts)

File No. 73 - 98

Serial Nos. 1 - 4

B

~~**Papers Filed.**~~

Month ~~Feb 99~~

SUBJECT.

Extradition warrant for the surrender of Naga (Karachi

In desp

PREVIOUS REFERENCES. LATER REFERENCES. D&H

Communicated

SY

OFFICE OF THE
6253
26 JAN. 99
DEWAN OF MYSORE.

1904

1898-99

No 73-98

From

SECTION Courthe District Magistrate Tumkur Distt

FILE No. 73-98

SERIAL No. To 1

The Secretary to the Govt. of Mysore, Genl & Rev Depts.

Dated 20th January 1899

Despatched 23rd —do—

Received

General No. 450
No.

Enclosure No. 2 record of Crl. Case

Requesting that the British Resident in Mysore may be moved to issue a warrant for the surrender of one Nāga now a Convict in the Central Jail at Bellary

Jnd
26.1.99

Please put on file
Nea
26/1

No 450
Encl: 2 of record

District Magistrate's Office
Tumkur District.

Dated, Tumkur, 20th January 1899.

To

The Secretary to the Government of Mysore,
General and Revenue Departments,
Bangalore.

Sir,

I have the honour to submit herewith the record of evidence in Criminal Miscellaneous Case No: 30 of 1898-99 on the file of the 1st general Assistant Commissioner and 1st Class Magistrate of this District — (together with copy of his letter No: 27 dated 2nd instant) in which one Korathar Naga (Mr President of Mr) Elagudda Thimmapura in the Madakasira Taluk in the Anantapur Collectorate is accused

of

of having committed housebreaking and theft of property worth Rs 282/- in the house of one Honniriga of Gundlapally in the Pavagada Taluk of this District on the 19th February 1898 and, as a prima facie case has been made out against the said accused, to request that the British Resident in Mysore may be moved to issue a Warrant for his surrender to the 1st Class General Assistant Commissioner Magistrate of Tumkur The said Naga is reported to be a Convict in the Central Jail at Bellary undergoing two sentences of three and a half years imprisonment awarded to him on the 5th April 1898 in Criminal Cases

Nos

4

Nos 6 and 7 of 1898 on the file of the Deputy Magistrate 1st class of the Anantapur Collectorate.

2. The required particulars for the preparation of the Warrant above applied for accompany.

I have the honor to be
Sir,
your most obedient Servant

M. Narain Rao
District Magistrate
Tumkur District

C.P.S

5

No: 278.

1st. General Assistant Commissioner
and 1st. class Magistrate's Court,
Tumkur District.
Tumkur 2d. January 1899.

To.

The District Magistrate
Tumkur.

Sir,

In pursuance of your yadi No: 552 dated the 22d. November 1898, I ex- examined the witnesses noted in the margin in re the charge under sections 457 and 380 I. P. C. made by Pavagada Police against Korchar Naga aged 40 years, a resident of Etagudda Thimmapura in the Madakasira Taluk, Anantapur Collectorate. I beg to forward herewith, in original, the depositions of three witnesses recorded by me.

1. Honnuraja
2. Dasagadu
3. Ranjappa gowda

The accused Naga along with three others broke into the house of Honnuraja of Gundlapally in the Pavagada Taluk, and dishonestly removed therefrom property valued at Rupees 282/-. They again stole a sheep from the pen of Dasagadu of Sunkargal in the Madakasira Taluk. They were pursued and one of them, that is the accused Naga was apprehended. His person was searched by Ranga Reddy of the village and the following property was found in a bag which was found

found with him.

No: 1 A pair of gold Kamallas.
No: 2 A pair of gold mooroos.
No: 3 One gold ear Sarigáy.
No: 4 Gold thalé
No: 5 One Sara of coral and other beads.

3 Hommiriga, 1st witness, identifies the above jewels as his, and they appear in the list of stolen property furnished by him.

4. Danigadu, 2d witness, swears that as soon as his sheep was stolen, he with some others pursued the thieves and apprehended one of them that is the accused Naga.

5 Rangay gowda, 3d witness, swears that the property named above was found in the bag which the accused had with him.

6 A prima facie case has thus been made out against the accused. But he is now undergoing two sentences of 3½ years imprisonment in Bellary Central Jail. The sentences were passed in calendar cases Nos 6 and 7 of 1898 on the file of the Deputy Magistrate, 1st class, of Anantapur District, on the 5th April 1898.

2f

7 If the prisoner was undergoing sentence in Mysore jails, I could have obtained his attendance under Section 2 of Prisoners Testimony Act, to answer the charge laid before me. But as he is undergoing sentence in British jails, an application under Extradition Act has to be made for the issue of a Rendition Warrant for his surrender. I beg that an application may be made therefor. If Naga is surrendered, I am of opinion that the case may be proceeded with against him, and that if he is convicted and sentenced to undergo imprisonment here, arrangements may be made for the execution of the sentence after the expiry of the period of imprisonment to which he is sentenced by the British Magistracy.

8 The Police charge sheet and other papers connected with the case are also submitted herewith for reference and kind return

I have &c

Copy

(Signed) C. Seshadriengar
1st. General Asst.
Commr. & 1st. class
Magistrate

as District Magistrate

9051. Encl file 9

No. J 1127

OFFICE OF THE ~~GOVT.~~ Dewan OF MYSORE.

Dated 2nd February 1899.

From

The ~~General~~ Secretary to the Government of Mysore.

To

The First Assistant to the Resident in Mysore.

SECTION Cts

FILE No. 73-98

SERIAL No. 2

SIR,

In forwarding copy of letter No. 450 dated the 23rd January 1899 from the Deputy Commissioner ~~1st Magte~~, Yunkur District, as also ~~records in~~ _____ in original (to be obligingly returned when no longer required), in Criminal Case No. 34 of 1898-99 on the file of the ~~General Asst~~ Commissioner and ~~1st~~ Class Magistrate of the Yunkur District in which one Korachar Naga, a Native of Hadakasira Taluk, Anantapur Dt, is charged with the offences of ~~House-breaking & theft~~ ~~one~~ punishable under Section ~~457~~ 457, 380 I. P. Code, I am directed to request that an under section ~~of the Foreign Jurisdiction & Extradition Act~~ XXI of 1879, extradition warrant may be issued to the District Magistrate of Anantapur for the surrender of the said accused to the ~~1st General Asst Commr~~ and 1st Class magte, Yunkur Dt at Yunkur.

2. I am to state further that the said naga is reported to be a convict in the Central jail at Bellary;

3. The usual statement containing the necessary particulars for the preparation of the warrant is also enclosed.

undergoing two sentences aggregating three and a half years' imprisonment awarded ~~to~~ to him on the 5th April 1898 in Criminal cases nos 64 & 65 of 1898 on the file of the Deputy magte, 1st Class of the Anantapur Collectorate.

I have the honor to be,

Sir,

Your most obedient servant,

2/2/99

~~General~~ Secretary.

BR 3/2/99

~~Under~~ Extradition cannot be demanded for any offence punishable under Section 457, because the Schedule of the Act does not include the Section, wherein it is omitted.

But section 454 which deals with house breaking by night with intent to commit an offence punishable with imprisonment for a term of 3 years is mentioned in the Schedule of the Act. Hence

No. 680 In file 11

SECTION Cts

FILE NO. From 73-98

SERIAL NO. 3

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

Rect 15th Feb 99

To

The Dewan of Mysore.

Dated Bangalore, 17th February 1899.

SIR,

In returning the enclosures of your letter No: 9051-1127, dated the 2nd Instant, asking for the issue of a warrant for the Surrender one Korchar Naga, at present undergoing 3½ year's imprisonment in the Central Jail at Bellary, am directed to State that the Resident is unable to issue a warrant now, and to suggest that the application therefor be renewed shortly before the Sentences lapsed on the man in 1898, expire

I have the honour to be,

Sir,

Your Most obedient Servant,

A. Clarke

Assistant Resident.

SECTION Cbs.

FILE No. 73-98

SER'AL No. 4

Draft sent for [illegible]

Here enter letter No. 680 dated the 17th February 1899 from the first Assistant to the Resident in Mysore

10057-58
/1243 dated 27-2-99

Copy forwarded to the District Magistrate, Tumkur with reference to his letter No-45 dated 20th January 1899 with the request that the application for the extradition of the accused referred to therein may be made shortly before the sentences passed upon him in 1898 expire.

2. The records received with his letter under reference are here with returned.

By order

24/2/99
Secretary

MK
23/